



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,109	12/06/2001	Kyung-geun Lee	1293.1280	5205

49455 7590 02/01/2006

STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER

TRAN, THANG V

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/003,109	Applicant(s) LEE ET AL.	
	Examiner Thang V. Tran	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-17 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-16 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7-9, 17, 19 and 27-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/06/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The amendment dated 08/15/05 has been considered with the following results:

Claim Objections

1. Claims 1-5, 7-17 and 19-33 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

The statement --comprising first through N header information-- should be inserted after “header information”, line 3, in order to support the term “first through N header information” later recited in line 4.

Also, the term “multi-modulated signal”, line 3, should be replaced with -- multi-modulated header signal-- in order to support the term “the header signal” later recited in line 5.

In claim 14:

The statement --comprising first through N header information-- should be inserted after “header information”, line 3, in order to support the term “first through N header information” later recited in line 4.

In claim 23:

The statement --comprising first through N header information-- should be inserted after “header information”, line 3, in order to support the term “first through N header information” later recited in line 4.

In claim 29:

The statement --comprising first and second header information-- should be inserted after “header information”, line 4, in order to support the term “first and second header information” later recited in lines 4-5.

In claim 30:

The statement --comprising first, second and third header information-- should be inserted after “header information”, line 4, in order to support the term “first, second and third header information” later recited in lines 4-5.

In claim 31:

The statement --comprising first, second and third header information-- should be inserted after “header information”, line 4, in order to support the term “first, second and third header information” later recited in line 5.

In claim 33:

The statement --comprising first and second header information-- should be inserted after “header information”, line 5, in order to support the term “first and second header information” later recited in line 6.

Also, the term --on the header area-- should be inserted after “header signal”, line 9, in order to clarify where the header signal is recorded.

Further, the term --recorded on the header area--should be inserted after “a header signal”, line 11, in order to clarify where the header signal is read.

Claims 2-5, 7-13, 15-17, 19-22, 24-28 and 32 fall with their respective parent claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 10-16, 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi et al. (US 2002/0172122 A1)

The applied reference has a common inventor/assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Reading claim 1, Choi et al., according to Figs. 1-3, 9-13, discloses an apparatus for recording header information on an optical recording medium having a wobble track on which user data is recorded and a header area which first through N header information (first and second address information) are recorded as modulated signal, according to first through N types of modulations (edge modulator and phase modulator), overlapped one another in at least some intervals of the header signal (see Fig. 9, and claim 16).

Regarding claims 2 and 3, see edge modulator (93) and phase modulator (94) shown in Fig. 9.

Art Unit: 2653

Regarding claims 10-13, see Figs. 1 and 9-13 for limitations recited in these claims.

Regarding claims 14-16, see Fig. 9 which clearly discloses all limitations in these claim.

Regarding claims 20-22, see Figs. 1 and 9-13 for limitations recited in these claims.

Regarding claims 23-26, see Fig. 9 which clearly discloses all limitations in these claim.

Allowable Subject Matter

4. Claims 4, 5, 7-9, 17, 19, 27 and 28 would be allowable if rewritten to overcome the objection(s) under 37 CFR 1.75(a), set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. Claims 29-33 would be allowable if rewritten or amended to overcome the objection(s) to under 37 CFR 1.75 (a), set forth in this Office action.

Claims 4, 5, 7-9, 17, 19 and 27-33 are allowable over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach all limitations as particularly recited in each of claims 4, 5, 7-9, 17, 19 and 27-33.

Cited References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical disk having wobbled track and different types of header information formed thereon, and an optical apparatus having different types of modulator s/demodulators for modulating/demodulating different types of header information to recorded/reproducing on/from an optical disk.

Response to Arguments

7. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2653

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thang V. Tran
Primary Examiner
Art Unit 2653